IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 23198 of 2002(J)

PETITIONER:

FATHIMA NAZ, AGED 37 YEARS,
W/O. LIYAKATH, KURUPALI, EDATHALA KARA, ALUVA.

BY ADV. SRI.R.RAGHUKUMAR (ALUVA)

RESPONDENTS:
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1. THE DISTRICT REGISTRAR (GENERAL),
OFFICE OF THE DISTRICT REGISTRAR, ERNAKULAM,
KOCHI-18.

2. THE DEPUTY TAHSILDAR,
OFFICE OF THE SPECIAL TAHSILDAR (REVENUE RECOVERY)
ALUVA.

BY G.P. SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON 27/11/2007 DELIVERED THE FOLLOWING:

ORDER ON CMP NO.36698/2002 IN O.P. NO.23198/2002

DISMISSED:

27.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF SALE DEED NO.1186/1999 EXECUTED IN FAVOUR OF PETITIONER.

P2: TRUE COPY OF DEMAND NOTICE U/S.7 OF RR ACT ISSUED TO THE PETITIONER.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.23198 of 2002

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Dated this the 27th day of November, 2007.

JUDGMENT

The O.P. is filed five years back challenging recovery proceedings for recovery of differential stamp duty based on alleged undervaluation in the document. The petitioner's allegation of want of notice and proper adjudication remain unanswered by the respondents. In the circumstances, first respondent is directed to issue a fresh notice, hear the petitioner's objections and complete adjudication within two months from date of receipt of copy of this judgment. The petitioner will produce copy of this judgment before the first respondent and co-operate in the enquiry for completion of adjudication in time. Recovery proceedings will be kept in abeyance until orders are issued and if petitioner does not co-operate with enquiry, recovery could be continued under the present orders after expiry of time above stated. However, if fresh adjudication orders are issued as above, first respondent will recall earlier orders simultaneously.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms